

**Carlos Hernández**  
Mayor

**Isis Garcia-Martinez**  
Council President

**Luis González**  
Council Vice President



Council Members  
**Jose F. Caragol**  
**Vivian Casáls-Muñoz**  
**Katharine E. Cue-Fuente**  
**Paul B. Hernández**  
**Lourdes Lozano**

## City Council Agenda September 8, 2015 7:00 P.M.

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Call to Order –

Roll Call-

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance led by Council Vice President Luis Gonzalez

### **Meeting Guidelines**

The following guidelines have been established by the City Council:

➤ **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations –

- Presentation by Mayor Hernandez of a Certificate of Appreciation to Dale Barrett, who is now retired, for his 28 years of service to the City of Hialeah as an employee. (MAYOR HERNANDEZ)

1. Announcement of Amendments/Corrections to the Agenda –

**2. Consent Agenda-**

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A.** Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on August 25, 2015 (OFFICE OF THE CITY CLERK)
- B.** Request from City of Hialeah Education and Community Services for a street closure permit for the Leah Arts District's #HIALEAHNOW event, on Sunday, September 20, 2015, between the hours of 2:30 p.m. to 9:00 p.m., on 11 Avenue from East 14 Street to East 16 Street and 15 Street from East 10 Avenue to 11 Avenue, with the event hours being from 4:00 p.m. to 8:00 p.m. (*Applicant: City of Hialeah*) (COUNCILMAN HERNANDEZ)
- C.** Proposed resolution authorizing the Mayor and the City Clerk, on behalf of the City, to enter into a Mutual Aid Agreement with the City of Homestead, Florida, as a participating Municipal Police Department, for the purpose of coordinating law enforcement planning, operations, and mutual aid benefit between the City of Hialeah and the City of Homestead, Florida from the effective date of the agreement through September 30, 2020, attached hereto as Exhibit "A". (POLICE DEPT.)
- D.** Proposed resolution approving a Professional Services Agreement with Oneyda M. Paneque, Ed.D. to provide consulting services to ensure the effective and efficient development and implementation of the City of Hialeah Step Ahead Program Evaluation Plan, for a term of one year, commencing on August 1, 2015 and ending on July 31, 2016, in an amount not to exceed \$8,000.00, and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Professional Services Agreement attached hereto in substantial form, and made a part hereof as Exhibit "1". (EDUCATION AND COMMUNITY SERVICES DEPT.)
- E.** Proposed resolution approving a Professional Services Agreement with Best Buddies International, Inc. to provide Vocational Program Development and Consulting Services for the City of Hialeah Step Ahead Program Funded by the Children's Trust Fund, for a term of one year, commencing on August 1, 2015 and ending on July 31, 2016, in an amount not to exceed \$95,000.00, and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Professional Services Agreement attached hereto in substantial form, and made a part hereof as Exhibit "1". (EDUCATION AND COMMUNITY SERVICES DEPT.)
- F.** Request permission to award Hialeah Bid # 2014/15-9500-00-035 – Public Works Complex-Picket Fence and Gates, to FWC Metal Works LLC, lowest responsive bidder, in a total amount not to exceed \$39,900, and further request an additional \$5,000 to cover reimbursable items and any unforeseen conditions that may arise during the construction, for a total cumulative amount not to exceed \$44,900. (CONSTRUCTION & MAINTENANCE DEPT.)
- G.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue two purchase orders to KRONOS Systems Incorporated, for costs to be paid in

association with outstanding invoices for the 2015-2016 fiscal year for the service of Webstaff access to Administrative Staffing (Tele-Staff) functions through the internet for fire operations, with one purchase order being in the amount of \$14,888.40 and the other in the amount of \$3,134.24, for a total cumulative expense amount not to exceed \$18,022.64. (FIRE DEPT.)

- H.** Request from Lowe's Companies, Inc., for a Christmas Tree Sales Permit, with sales beginning on November 20, 2015 and ending on December 25, 2015, to be located at Lowe's of Hialeah, FL, 1650 West 37 Street, Hialeah, Florida 33012 subject to the recommendations of the Hialeah Fire Department. (OFFICE OF THE CITY CLERK)
- I.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Inclan Painting and Waterproofing, Corp., for the painting of Fire Station #7, in a total cumulative amount not to exceed \$16,500. (FIRE DEPT.)
- J.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to WEP South Florida, LLC, to purchase garbage equipment parts and accessories for City trucks, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$35,000. (FLEET MAINTENANCE DEPT.)
- K.** Request permission to increase purchase order # 2015-641, since it is advantageous to the City, issued to Rainbow Transmission & Auto Center Inc., for Allison transmission rebuilds, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$63,000. (FLEET MAINTENANCE DEPT.)
- L.** Request permission to utilize State of Florida Contract #863-000-10-1 and increase purchase order # 2015-240, since it is advantageous to the City, issued to Tiresoles of Broward, Inc. d/b/a Miami Tiresoles, to purchase tires and road call service on vehicles for Public Works Department, Fire Department, and Water and Sewer Department, by an additional amount of \$25,000, for a new total cumulative amount not to exceed \$225,000. (FLEET MAINTENANCE DEPT.)
- M.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to P & J Striping Inc., vendor providing the lowest estimate, for the striping of East 56 Street to East 65 Street from East 4 Avenue to East 7 Avenue, in a total cumulative amount not to exceed \$7,379.40. (STREETS DEPT.)
- N.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2015-452, issued to Overland Carrier, Inc., to purchase materials used for services which include road construction, road repair, drainage and parking lot construction, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$80,000. (STREETS DEPT.)
- O.** Request permission to issue a purchase order to The Louis Berger Group, Inc., formerly known as R.W. Beck, Inc., a vendor approved by the City's Selection Committee in 2010 for engineering services, to provide the City with solid waste support services for the Progressive Waste contract implementation, in a total cumulative amount not to exceed \$106,028. (DEPT. OF PUBLIC WORKS)

- P.** Request permission to issue a purchase order to Hazen and Sawyer, P.C., a vendor approved by the City's Selection Committee in 2010 for engineering services, to prepare corrective action plans, detail design, permitting, bidding services, limited engineering services during construction, CEI for pump stations 131, 133, 140, 141 and 150, in a total cumulative amount not to exceed \$159,051. (DEPT. OF PUBLIC WORKS)
- Q.** Request permission to waive complete bidding, since it is advantageous to the City in that this vendor has previously worked for the City in pump station repairs and is familiar with the City's practices and standards, and increase purchase order # 2015-1825, issued to South Florida Utilities, for wet well repair to the City's Lift Stations # 2, 4, 8, 116, Manhole #3, 117, 51, 128, 155 and Manhole Rehabilitation (West 83<sup>rd</sup> Street and West 16<sup>th</sup> Avenue), by an additional amount of \$91,649.11, for a new total cumulative amount not to exceed \$173,592.11. (DEPT. OF PUBLIC WORKS)
- R.** Request permission to utilize a contract dated March 23, 2007 between Severn Trent Environmental Services, Inc. and St. Lucie County, Florida, and issue a purchase order to Severn Trent Environmental Services, Inc., to provide the City with operations and maintenance support to maximize cost effective, efficient and complaint water distribution and wastewater collection system operating services, in a total cumulative amount not to exceed \$1,292,241. (DEPT. OF PUBLIC WORKS)
- S.** Report to the City Council that the City's Education and Community Services Department applied for and received a 5 year grant from the Florida Department of Education in an annual amount of \$557,888 for afterschool and summer programs operating out of three (3) 21<sup>st</sup> Century Community Learning Centers STEAM Ahead Program, for students from grades 6 through 8. (DEPT. OF EDUCATION AND COMMUNITY SERVICES)
- T.** Report to the City Council that the City's Education and Community Services Department applied for and received a 5 year grant from the Florida Department of Education in an annual amount of \$427,928 for afterschool and summer programs operating out of two (2) 21<sup>st</sup> Century Community Learning Centers Academic Achievers Program, for students from grades 6 through 12. (DEPT. OF EDUCATION AND COMMUNITY SERVICES)
- 3.** Second reading and public hearing of proposed ordinance adopting the City of Hialeah 20-Year Water Supply Facilities Work Plan Update and related Text Amendments to the Potable Water Element, Conservation Element, Intergovernmental Coordination Element and Capital Improvement Element of the Hialeah, Fla., Comprehensive Plan 2003-2015; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

<i>Item was approved by the City Council on first reading on August 25, 2015.</i>
<i>Item was approved by the Planning and Zoning Board on August 12, 2015.</i>

- 4.** Second reading and public hearing of proposed ordinance amending Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 11. CR Commercial-Residential District of the Code of Ordinances of the City of Hialeah, and in particular, revising Hialeah Code § 98-877 entitled "Uses Permitted and Regulations", to include Self-Storage Facilities as

a permitted use; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in the code; providing for an effective date. (ADMINISTRATION)

<i>Item was approved by the City Council on first reading on August 25, 2015.</i>
<i>Item was approved by the Planning and Zoning Board on August 12, 2015.</i>

5. Board Appointments –
6. Unfinished Business –
7. New Business –
8. Comments and Questions –

**Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.**

**Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.**

### **ZONING**

- PZ 1. Second reading and public hearing of proposed ordinance granting a Special Use Permit (SUP) to extend the Neighborhood Business District (NBD) Overlay on property located at an activity node area, for a proposed mixed-use development including 50,912 square feet of commercial space and 304 residential units, pursuant to Hialeah Code §98-1630.8, and granting a Variance Permit to allow 739 parking spaces, where 863 are required, allowing to satisfy the 76 required guest parking spaces with valet parking services pursuant to Hialeah Code §98-2189(16)a, to allow 186 units with less than 850 square feet from which 12 units have 580 square feet, where ten percent of residential units may have a minimum of 600 feet, to allow a front and side setback of 20 feet for the tower or middle of the building, where a minimum of 22 feet are required, to allow a setback of 20 feet for the cap or penthouse of the building, where a minimum of 34 feet are required, to allow an interior side setback of 20 feet and 15 feet for the cap or penthouse, where a minimum of 28 feet are required, contra to Hialeah Code §§ 98-2189(16)a, 98-1630.2, 98-16.0.3(e)1, and 98-1630.3(e)2. **Property located at 401 and 435 Hialeah Drive, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Shoma Retail, LLC. c/o Felix M. Lasarte*)

<i>Item was postponed during the City Council meeting of August 25, 2015 until September 8, 2015 due to required advertising.</i>
<i>Item was approved on first reading by the City Council on June 23, 2015.</i>

<i>Item was approved by the Planning and Zoning Board on June 10, 2015.</i>
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- PZ 2. Second reading and public hearing of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 94-22 (March 22, 1994), granting a Variance Permit to allow fourteen parking spaces, where 20 parking spaces are required and granting a Variance Permit to allow eight parking spaces to back-out into the street provided that the eight back-out parking spaces are used exclusively by employees, where back-out into the street parking is only allowed in low density residential districts, contra to Hialeah Code § 2190. **Property located at 145 East 49 Street.** Providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Francisco Dieguez, Jr.*)

<i>Item was approved by the City Council on first reading on August 25, 2015.</i>
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<i>Item was postponed until August 25, 2015 during the Council Meeting of August 11, 2015 because the applicant was not present.</i>
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<i>Item was approved by the Planning and Zoning Board on June 24, 2015.</i>
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- PZ 3. Second reading and public hearing of proposed ordinance granting a Variance Permit to allow a Temporary Waiver of Plat pursuant to Hialeah Land Development Code §10-4(c); **Property located at 385 West 42 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Artilleros, LLC*)

<i>Item was approved by the City Council on first reading on August 25, 2015 with Councilwoman Cue-Fuente having abstained from voting.</i>
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<i>Item was approved by the Planning and Zoning Board on August 12, 2015.</i>
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<i>Registered Lobbyist: Michael Osman, Esq.</i>
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- PZ 4. Second reading and public hearing of proposed ordinance granting a Variance Permit to allow a Waiver of Plat, to allow a rear setback of 15 feet, where 20 feet are required, and to allow side setbacks of 5 feet, where 5.04 feet are required, pursuant to Hialeah Code §98-831; **Property located at 6588 West 22 Lane, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Juan Carlos Ortega and J+J Property Administration Corp.*)

<i>Item was approved by the City Council on first reading on August 25, 2015.</i>
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<i>Item was approved by the Planning and Zoning Board on August 12, 2015.</i>
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- PZ 5. First reading of proposed ordinance granting a Variance Permit to allow a Pylon LED Sign on property zoned C-2 (Liberal Retail Commercial District) outside the geographic area where LED Signs are permitted, with a height of 35 feet, where a maximum of 20 feet is allowed, a

sign area of 240 square feet, where a maximum of 120 square feet is required; contra to Hialeah Code §§ 74-149(b), 74-149(g)(2)(b), 74-149(g)(2)(c). **Property located at 5301 West 20 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Ceasar Mestre Jr., Esq.*) **ITEM NEEDS TO BE POSTPONED UNTIL THE COUNCIL MEETING OF SEPTEMBER 22, 2015 DUE TO PENDING CHANGES TO THE PROPOSED ORDINANCE.**

*Item was approved by the City Council on first reading on August 25, 2015.*

*Item was approved by the Planning and Zoning Board on August 12, 2015.*

*Registered Lobbyist: Ceasar Mestre*

- PZ 6. First reading of proposed ordinance granting a Variance Permit to allow an existing rear setback of 18.8 feet, where 20 feet are required, contra to Hialeah Code § 98-502. **Property located at 1750 West 62 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Lazaro Espinosa and Haydee Santos*)

*Item was approved by the Planning and Zoning Board on August 26, 2015.*

- PZ 7. First reading of proposed ordinance granting a Conditional Use Permit (CUP) to allow a K-12 South Florida Autism Charter School with a total student population of 300, on property zoned BDH (Business Development District Hialeah Heights). **Property located at a vacant parcel lying north of Northwest 162 Street, and east of Northwest 99 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Eruditional, LLC c/o Felix Lasarte*)

*Registered Lobbyist: Felix Lasarte*

## FINAL DECISIONS

- FD 1. Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 15-05 that granted an adjustment on property located at **925 East 24 Street, Hialeah, Florida;** and providing for an effective date. (*Applicant: Horsebit Acquisitions LLC*)

*Item was approved by the Planning and Zoning Board on August 12, 2015.*

**NEXT CITY COUNCIL MEETING: Tuesday, September 22, 2015 at 7:00 P.M.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, November 10, 2015 at 6:30 p.m.**

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3<sup>rd</sup> Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).